



## **Data Security & Privacy Committee Minutes**

**May 3, 2012**

The Data Security and Privacy Committee (“Committee”) of the Board of Directors (“Board”) of the Illinois Health Information Exchange Authority (“Authority”), pursuant to notice duly given, held a meeting at 9 a.m. on May 3, 2012, at the Marriott Hotel, 201 Broadway Avenue, Normal IL; with a telephone conference call and webinar participation capabilities. The ILHIE Data Security & Privacy Committee meeting was held as part of the Illinois Health Information Management Association’s (ILHIMA’s) Annual Meeting.

ILHIMA, an affiliate of the American Health Information Management Association (AHIMA), is a membership organization of health information management (HIM) professionals and is recognized as a leader in health information management practice. ILHIMA advocates on behalf of HIM professionals for legislative and policy changes that ensure patient confidentiality and promote appropriate health information access and use.

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| Appointed Committee Members Present in person:<br><ol style="list-style-type: none"><li>1. Nicholas Panomitros</li><li>2. Harry Rhodes</li></ol>   | OHIT Staff Present:<br><ol style="list-style-type: none"><li>1. Dia Cirillo</li><li>2. Mark Chudzinski</li><li>3. Krysta Heaney</li></ol> |
| Appointed Committee Members Present electronically:<br><ol style="list-style-type: none"><li>1. Leah Bartelt</li><li>2. Elissa Bassler</li><li>3. David Carvalho</li><li>4. Jud DeLoss</li><li>5. Ron Isbell</li><li>6. William Spence</li></ol> |   |

### **Call to Order and Roll Call**

Mark Chudzinski, Secretary of the Authority and General Counsel of the Office of Health Information Technology (“OHIT”), welcomed the appointed Committee members present in person and electronically, and confirmed the presence of the Committee members noted above. There were no objections from the members of the Committee to the participation by electronic means of Leah Bartelt, Elissa Bassler, Jud DeLoss, Ron Isbell, and William Spence who had advised the Secretary in advance of their attendance by electronic means necessitated by business or employment purposes. Due to technical difficulties Committee members present via webinar were unable to participate remotely through the entirety of the meeting. The Chair advised that invited and public testimony would be collected as scheduled, but that no Committee action would be taken on any substantive matter without the unrestricted participation of Committee members present electronically.



### **Health Information Exchange in Illinois**

The meeting opened with a presentation by OHIT's General Counsel, Mark Chudzinski. Mr. Chudzinski provided the audience of HIM professionals with:

1. An update on the State's promotion of health IT;
2. A summary of the current landscape of privacy and security laws in Illinois; and
3. An overview of the key policy considerations with respect to health information exchange and the protection of the privacy and security of patient data the Authority Board and the ILHIE Data Security and Privacy Committee are charged with addressing.

The full presentation can be found at:

[http://www2.illinois.gov/gov/HIE/Documents/ILHIMA050312main%20\(2\).pdf](http://www2.illinois.gov/gov/HIE/Documents/ILHIMA050312main%20(2).pdf)

### **Invited Testimony**

The forum of the ILHIMA Annual Meeting provided a unique opportunity for the Committee to hear invited and public testimony from health information management professional in Illinois.

Following the presentation, the Committee heard testimony from 5 individuals.

1. *Vicki Day, Family Nurse Practitioner with OSF Saint James John W. Albrecht Medical Center in Pontiac, IL.* Provided testimony on the benefits of the seamless integration of specific health information between behavioral and medical providers for improving continuity of care and reducing risk of adverse events. Ms. Day noted the importance of achieving a balance between patient privacy protections and data exchange. The full testimony can be found at: [http://www2.illinois.gov/gov/HIE/Documents/Testimony\\_FINAL\\_Vicki%20Day.pdf](http://www2.illinois.gov/gov/HIE/Documents/Testimony_FINAL_Vicki%20Day.pdf)
2. *Harry Rhodes, Director Practice Leadership, American Health Information Management Association (AHIMA).* Mr. Rhodes, a member of the ILHIE Data Security and Privacy Committee, provided testimony regarding the significance of the accurate identification of individuals contained in a master patient (person) index (MPI). Mr. Rhodes highlighted the importance of maintaining database integrity, advocating for the application of principals of data governance and stewardship and the establishment of standards to address consistency (e.g. in data matching algorithms) across systems. The full testimony can be found at: [http://www2.illinois.gov/gov/HIE/Documents/Invited%20Testimony%20ILHIE\\_Master%20Patient%20Index\\_MPI\\_Data%20Matching\\_Harry%20Rhodes\\_May%203%202012.pdf](http://www2.illinois.gov/gov/HIE/Documents/Invited%20Testimony%20ILHIE_Master%20Patient%20Index_MPI_Data%20Matching_Harry%20Rhodes_May%203%202012.pdf)
3. *Donna Schnepf, President, ILHIMA; Sandra Joe, President Elect, ILHIMA; and Deshawna Hill-Burn, Past President, ILHIMA.* Advocated for a consistent approach to securely matching patients across all health information exchanges. Urged the Committee to support a Government Accountability Office (GAO) study of common patient identity solutions. The full testimony can be found at: [http://www2.illinois.gov/gov/HIE/Documents/Testimony\\_FINAL\\_ILHIMA\\_Presidents.pdf](http://www2.illinois.gov/gov/HIE/Documents/Testimony_FINAL_ILHIMA_Presidents.pdf)
4. *1st and 2<sup>nd</sup> Year Directors of Legislation and Advocacy, ILHIMA, Cindy Bracy and Heather Shankland, respectively.* Provided testimony of the cost and potential adverse impact of delayed



ICD-10 implementation; suggesting the use of ICD-10 will support interoperability between electronic health records and the Nationwide Health Information Network (NwHIN). The full testimony can be found at:

[http://www2.illinois.gov/gov/HIE/Documents/Testimony\\_FINAL\\_Directors%20of%20Advocacy.pdf](http://www2.illinois.gov/gov/HIE/Documents/Testimony_FINAL_Directors%20of%20Advocacy.pdf)

5. *Kim Baldwin-Stried Reich, ILHIMA Board Advisor and AHIMA Speaker-Elect.* Provided testimony on electronic discovery and emerging liability issues raised by electronic health records and health information exchange. The full testimony can be found at:  
[http://www2.illinois.gov/gov/HIE/Documents/Kimberly\\_BaldwinStried\\_Reich\\_ILHIE\\_DataPrivacy\\_SecurityTestimony\\_May\\_3\\_2012\\_FINAL.pdf](http://www2.illinois.gov/gov/HIE/Documents/Kimberly_BaldwinStried_Reich_ILHIE_DataPrivacy_SecurityTestimony_May_3_2012_FINAL.pdf)

### **Public Comment**

The Committee heard public comment from 2 individuals.

1. *Dietra Kulicke – Director, Marketing and Communication, Chestnut Health Systems.* Ms. Kulicke spoke to Chestnut Health System's active support of the State's behavioral health care integration strategy and health information exchange to improve patient outcomes and support coordinated care delivery. The full testimony can be found at:  
[http://www2.illinois.gov/gov/HIE/Documents/Public%20Comment\\_Chestnut%20Family%20Health%20System\\_FINAL.pdf](http://www2.illinois.gov/gov/HIE/Documents/Public%20Comment_Chestnut%20Family%20Health%20System_FINAL.pdf)
2. *Laura Knoblauch – Director, Illinois State University Student Health Services.* Raised the unique challenge to the sharing of student health records in a health information exchange because, unlike other protected health information (PHI), student records are governed under the Family Educational Rights and Privacy Act (FERPA) not HIPAA. Unlike HIPAA, there is no treatment, payment, and health care operations (TPO) exceptions in FERPA, thus all releases of data require specific consent. Ms. Knoblauch encouraged the Committee to review FERPA and identify opportunities to establish an exemption in Illinois that would allow for the release of information to an exchange for the purpose of treatment, payment, and health care operations. The full testimony can be found at:  
[http://www2.illinois.gov/gov/HIE/Documents/Public%20Comment%20ISU%20Student%20Health%20Services\\_5%2011%202012\\_FINAL.pdf](http://www2.illinois.gov/gov/HIE/Documents/Public%20Comment%20ISU%20Student%20Health%20Services_5%2011%202012_FINAL.pdf)

### **Adjourn**

The meeting was adjourned at 10:30am.

Submitted by: Saroni Lasker